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FILED

AUG - 7 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HUI YIN ZHOU,)
)
Defendant.)

No. CR 12-00343 DLJ

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
AUGUST 7, 2012 THROUGH
OCTOBER 11, 2012, FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

On August 7, 2012, defendant Hui Yin Zhou appeared before Magistrate Judge Howard R. Lloyd. Assistant Federal Public Defender Diana Garrido, Esq., appeared on behalf of the defendant. Assistant United States Attorney Hanley Chew appeared for the government. Judge Lloyd ordered the parties to appear before the Honorable D. Lowell Jensen on October 11, 2012 for a status conference in this matter.

The parties request that the Court enter this order documenting the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from August 7, 2012 through October 11, 2012. The parties, including the defendant, stipulate as follows:

STIP. & [PROP.] ORDER
CR 12-00343 DLJ

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from August 7, 2012 through October 11, 2012 based upon the need for the defense counsel to investigate further the facts of the present case. The government has provided discovery in the present case and defense counsel needs time to review the discovery, evaluate further possible defenses and motions available to the defendant.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from August 7, 2012 through October 11, 2012.


Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from August 7, 2012 through October 11, 2012, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 8/7/12


DIANA GARRIDO
Assistant Federal Public Defender

DATED: 8/7/12


HANLEY CHEW
Assistant United States Attorney

~~PROPOSED~~ ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from August 7, 2012 through October 11, 2012 based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the

STIP. & [PROP.] ORDER
CR 12-00343 DLJ

1 government has already provided and evaluate further possible defenses and motions available to
2 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
3 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
4 calculations the period from August 7, 2012 through October 11, 2012.

5 Accordingly, the Court further orders that the time from August 7, 2012 through October
6 11, 2012 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

7 IT IS SO ORDERED.

8
9 DATED: 8/7/12


THE HONORABLE HOWARD R. LLOYD
United States Magistrate Judge

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STIP. & [PROP.] ORDER
CR 12-00343 DLJ